

### **REMARKS**

Claims 1-10 were pending in this application. Claim 1 has been amended to clarify that the playback period information is a reproducing time period of the selected digital audio file, wherein the reproducing time period is the length of the digital audio file. New claim 11 has been added to clarify that the length of the digital audio file is represented in minutes and seconds. Support for these amendments may be found, among other places, in paragraphs [0011]-[0012] and FIG. 7 of the application, as filed. Thus, no new subject matter has been introduced. No claims have been cancelled. Accordingly, claims 1-11 remain in this application.

#### **35 U.S.C. §102 and §103 Rejections**

Claims 1-3, 5, and 7-9 stand rejected under 35 U.S.C. §102(b) for anticipation by U.S. Pat. App. Pub. No. 2001/0031066 to Meyer et al. (hereinafter “the Meyer publication”). Claims 4, 6, and 10 stand rejected under 35 U.S.A. §103(a) for obviousness based on the Meyer publication in view of U.S. Pat. App. Pub. No. 2004/0060070 to Mizushima (hereinafter “the Mizushima publication”) or U.S. Pat. App. Pub. No. 2003/0163823 to Logan et al. (hereinafter “the Logan publication”).

As previously indicated, the Meyer publication discloses transmission of data representative of the time of playback of a digital audio file, as opposed to the “playback period information” of the digital audio file. The Examiner asserts that because the claim limitation “playback period” is not specifically described in the specification that she can broadly interpret this limitation as including time of playback. Applicants’ representative contacted the Examiner on April 1, 2010 and indicated that paragraph [0012] of the specification sets forth the benefit and objective of the present invention. For example, it is discussed how a list of MP3 audio files may have the same song title, but may have different reproducing time periods. Also, FIG. 7 shows how the same song may have different lengths attributed to it depending on the version of the song. The Examiner helpfully suggested that Applicants choose other wording to differentiate the meaning of the word “period”. Therefore, Applicants have amended claim 1 to clarify that the playback period information is a reproducing time period of the selected digital audio file, wherein the reproducing time period is the length of the digital audio file.

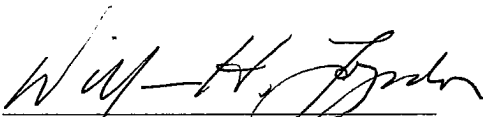
It is settled law that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Brothers Inc. v. Union Oil Co. of California*, 2 USPQ2d, 1051, 1053 (Fed. Cir. 1987). In light of the aforementioned amendments and arguments made with respect to the anticipation rejections under the Meyer publication, whose underlying anticipation teachings, now refuted, are used for rejecting claims 4, 6, and 10 on an obviousness basis in view of the teachings of the Mizushima or Logan publications, Applicants hereby respectfully request that the Examiner not only withdraw the anticipation rejections of claims 1-3, 5, and 7-9, but also the overall obviousness rejections with respect to claims 4, 6, 10.

### **CONCLUSION**

Based on the foregoing remarks, reconsideration of the rejections and allowance of pending claims 1-11 are respectfully requested.

Respectfully submitted,

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